

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CIVIL CASE NO. 3:05cv538**

CHARLES DUKE and AERIAL )  
SOLUTIONS, INC., )  
Plaintiffs, )  
vs. ) **ORDER**  
ROLLS-ROYCE CORPORATION; )  
ROLLS-ROYCE NORTH AMERICA )  
INC.; STANDARD AERO INC.; and )  
STANDARD AERO LIMITED, )  
Defendants. )  
AERIAL SOLUTIONS, INC., )  
Plaintiff, )  
vs. )  
ALLISON ENGINE COMPANY, INC. )  
d/b/a ROLLS-ROYCE ALLISON; )  
ALLISON ENGINE COMPANY; )  
GENERAL MOTORS )  
CORPORATION; and GENERAL )

**MOTORS CORPORATION )  
ALLISON GAS TURBINE )  
DIVISION, )  
                          )  
                          )  
**Defendants.** )  
                          )**

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**THIS MATTER** is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed on July 2, 2007.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Carl Horn, III was designated to consider a pending motion in the above-captioned civil action and to submit to this Court a recommendation for the disposition of this motion.

On July 2, 2007, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 76] in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the Motion to Transfer [Doc. 32] filed by the defendants Rolls-Royce Corporation; Rolls-Royce North America, Inc.; Allison Engine Company, Inc. d/b/a Rolls-Royce Allison; Allison Engine

Company; General Motors Corporation; and General Motors Corporation Allison Gas Turbine Division (collectively “the Rolls-Royce defendants”).<sup>1</sup> The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days of service of the Recommendation. The period within which to file objections expired on July 16, 2007. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation [Doc. 76] that the Rolls-Royce defendants' Motion to Transfer [Doc. 32] be denied.

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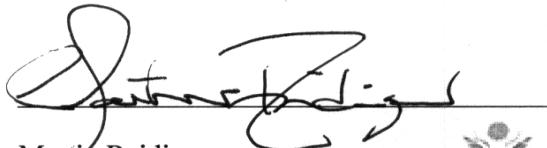
<sup>1</sup>As the Magistrate Judge noted in his Recommendation, Charles Duke, et al. v. Rolls-Royce Corporation, et al., No. 3:05cv538, was consolidated with Aerial Solutions, Inc. v. Allison Engine Company, Inc., et al., No. 3:07cv7, on April 27, 2007. A virtually identical “Motion to Transfer” was filed in the latter action prior to the consolidation. Accordingly, like the Magistrate Judge, this Court will treat the subject Motion to Transfer [Doc. 32] as having been filed by all of the Rolls-Royce defendants from each action.

Further, based on the factors set forth in the M&R, the Court, in its discretion, determines that the Motion to Transfer [Doc. 32] should be **DENIED**.

**IT IS, THEREFORE, ORDERED** that the Rolls-Royce defendants' Motion to Transfer [Doc. 32] is **DENIED**.

**IT IS SO ORDERED.**

Signed: September 26, 2007



Martin Reidinger  
United States District Judge

